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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,458	09/28/2001	Hong Wang	42390P11705	5276

7590 11/13/2006

Blakely, Sokoloff, Taylor & Zafman
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025-1030

EXAMINER

YIGDALL, MICHAEL J

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/966,458

Applicant(s)

WANG ET AL.

Examiner

Michael J. Yigdoll

Art Unit

2192

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered ~~and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3,5-21 and 23-30.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 11.

Applicant's arguments have been fully considered but they are not persuasive.

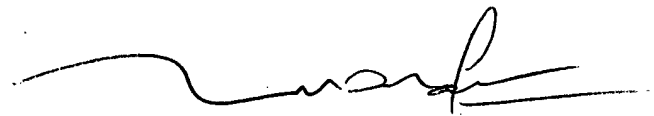
Applicant contends that the intent of Jacklin is to collect and dispatch events, not to provide configuration information upon which the selection of events to be monitored is based, and states, "the issue is a teaching regarding an event monitoring component that includes the described elements as selected by the software component" (remarks, page 12, top paragraph).

However, the final Office action mailed on July 19, 2006 set forth a prima facie case of obviousness. As Applicant acknowledges, Jacklin discloses handler routines, a pointer to the handler routines, and a selection of one or more handler routines to process selected events (remarks, page 12, top paragraph). Indeed, in Jacklin, it is a software component that selects the one or more handler routines to process the selected events (see, for example, column 3, lines 47-56). Thus, a software component of Jacklin supplies configuration information upon which the selection of events and handler routines is based. Levine discloses an event monitor hardware component (see, for example, column 7, line 59 to column 8, line 11). In Levine, it is similarly a software component that provides configuration information to control the event monitor hardware component (see, for example, column 8, lines 14-16). Levine further discloses a handler routine to process captured event profiles (see, for example, interrupt handling routine 580 in FIG. 7 and column 8, lines 24-35). Levine does not expressly disclose a plurality of handler routines and does not expressly disclose that the software component selects a handler routine. Again, however, Jacklin does disclose a plurality of handler routines and does disclose that the software component selects a handler routine. Therefore, as set forth in the final Office action, the combination of Levine and Jacklin teaches or suggests the claimed subject matter.

Applicant contends that there is no support for the combination of references. Specifically, Applicant contends that there is no real rationale provided for the combination of references, and that there is no indication of any implicit or explicit motivation to combine the references (remarks, page 12, bottom paragraph).

To the contrary, the final Office action noted that the combination would enable Levine to selectively configure different handler routines to process profiles of different events. Applicant acknowledges that this is an advantage of having more than one handler routine (remarks, page 12, bottom paragraph). In fact, it is an advantage that the teachings of Jacklin provide, and it is thus a suggestion to one of ordinary skill in the art to incorporate these teachings into Levine. One of ordinary skill in the art would have been motivated to provide Levine with the advantage of selectively configuring different handler routines to process profiles of different events.

MY



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